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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,080

Applicant(s)

RAMIREZ, PHILIP M.

Examiner

HUNG T. VY

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 6-11 and 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In the response to the amendment filed on 10/07/2010, claims 1-4, 6-11, and 13-21 are pending in this application. However, Applicant's arguments have been fully considered but Applicant's arguments are not persuasive (see response Applicant's argument below) or are moot in view of the new ground(s) of rejection.

Summary of claims

2. Claims 1-4, 6-11, and 13-21 are pending.
Claims 1-4, 6-11, and 13-21 are rejected.
Claims 5 and 12 are canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- a. Claims 1-2, 7-9, 13-16, and 19-21 are rejected under 35 U. S. C. § 102 (b) as being anticipated by Cornuejols (US Pub. 2004/0117315 A1).

With respect to claim 1, Cornuejols discloses a system for managing records, the system comprising:

a database (*i.e.*, "**detecting that said address or this remote site domain name corresponds to a symbol sequence stored in a database**" (0018))

a remote computer (1) (*i.e.*, "**determining that the remote site is listed in a database**" (0019)) including;

a memory, in which the record is stored (*i.e.*, "**Program by monitoring the copying of files stored in memory 108...kept in terminal 100**" (0232));

a processor (109 (*fig. 1*)); and

a record management system in communication with the memory and the processor and configured to classify one or more of the records (*i.e.*, "**indicates if this recording concerns confidential information...this recording concerns a financial transaction ...recording concerns critical confidential information**" (0186) and Examiner asserts that "confidential information" and "critical confidential information" are classified and is equivalent with "classify" claimed invention) and, in response to an instruction from a user, instruct the processor to file one or more of the record with the database (*i.e.*, "**(in particular a delivery related to a financial transaction) and at which the user will be asked about the correct completion of this action**" (0190) and Examiner asserts that completion the transaction or "at the end of the transaction"(0075) is equivalent with limitation of "filed one or more of the recorded with database" of claimed invention) after the classification of the one or more of the records and upon filing one or more of records with the database automatically instruct the processor to delete one or more of the record from the memory without regard as to whether there is available memory for storing at least one additional record or the amount of time the one or more record has been stored (*i.e.*, "**when no transaction is detected, a site page trace is stored in a permanent memory and automatically deleted as a function of the permanent memory space which is available and/or**

allocated to the implementation of the invention method" (0124) or "when no transaction has been detected, according to the user setup or the default assistance software setup, either the recording is deleted or it is stored and put on a list of recording with an indicator that allows it to be automatically deleted after a predetermined storage duration or according to the memory space available" (0243))
(Examiner asserts that according to "user setup" or "transaction" and those are the instruction from a user).

With respect to claims 2, 9, 16 and 19-20, Cornuejols discloses wherein instruct the processor to classify one or more of the records while the one or more records are stored in the memory (*i.e.*, *"Indicates if this recording concerns confidential information...this recording concerns a financial transaction ...recording concerns critical confidential information"* (0186) and Examiner asserts that "confidential information" and "critical confidential information" are classified and is equivalent with "classify" claimed invention).

With respect to claim 7, Cornuejols discloses wherein the record management system is further configured to instruct the processor to display a property of the record (*i.e.*, *"the trace or record stored identifiers what has been displayed on screen 104 and possibly the duration of the display"* (0169) or *"record the page displayed"* (0174)).

With respect to claims 8-9, 13 and 15, Cornuejols discloses a method for the management of electronic records, the method comprising the steps of;

classifying one or more of the records at the remote computer, wherein the one or more of the records is stored in memory on the remote computer (*i.e.*, *"indicates if this recording concerns confidential information...this recording concerns a financial transaction ...recording concerns critical confidential information"* (0186) and Examiner asserts that "confidential information" and "critical confidential information" are classified and is equivalent with "classify" claimed invention)

filing one or more of the record stored on a remote computer (1) with a separate central database in response to an instruction from a user (i.e., "(in particular a delivery related to a **financial transaction**) and at which the user will be asked about the **correct** completion of this action" (0190) and Examiner asserts that completion the transaction or "at the end of the transaction"(0075) is equivalent with limitation of "filed one or more of the recorded with database" of claimed invention); and

automatically deleting one or more of the record from the remote computer while there is available memory for storing at lest one additional record, upon filing one or more of the record with the central database via a record management system stored on the remote computer (i.e., "when no transaction is detected, a site page trace is stored in a permanent memory and **automatically deleted** as a function of the permanent memory space which is available and/or allocated to the implementation of the invention method" (0124) or "when no **transaction has been detected**, according to the **user setup** or the **default** assistance software setup, either **the recording is deleted** or it is stored and put on a list of recording with an indicator that allows it to be **automatically deleted** after a predetermined storage duration or according to the **memory space available**" (0243)) (Examiner asserts that according to "user setup" or "transaction" and those are the instruction from a user).

With respect to claim 14, Cornuejols discloses wherein including display a property of the record (i.e., "the trace or **record stored identifiers** what has been **displayed on screen 104** and possibly the duration of the display" (0169) or "record the page displayed" (0174)).

With respect to claim 21, Cornuejols discloses wherein including display a property of the record (i.e., "the trace or **record stored identifiers** what has been **displayed on screen 104** and possibly the duration of the display" (0169) or "record the page displayed" (0174)).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

b. Claims 1-4, 6-11, and 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vale et al. (US Pat. US007724281B2) in view of Heckerman et al. (U.S. Pub. No. US200400832270 A).

With respect to claim 1, Vale et al. discloses a system for managing records, the system comprising:

a database (*i.e.*, “remote server” (col. 13, lines 30-61)

a remote computer (1) (*i.e.*, “PDA, PC, Server, micropcessor-enable cell phone or the line” (col. 13, line 13-15) or “media capture device” or figs. 1-3) including;

a memory, in which the record is stored (*i.e.*, a user first captures or stores media or other objects on the media capture device” (col. 16, lines 50-55));

a processor (*i.e.*, “a personal computer” (col. 4, line 3)); and

a record management system in communication with the memory (*i.e.*, “Operating system 2 is capable of managing a plurality of concurrently running tasks 6” (col. 3, line 46-56) or col. 17, lines 4-20) and the processor (151) (fig. 2) and configured to, in response to an instruction from a user to file the one or more records (*i.e.* “the user may depress the transfer button to initiate a transfer” (col. 17, lines 23-27)), instruct the processor to store and file

one or more of the record with the database (*i.e.*, "if the transfer of pictures from the camera to the remote server is proceeding successfully" (col. 17, lines 32-35)) and upon storing and filing one or more of records with the database and in response to the user instruction automatically instruct the processor to delete one or more of the record from the memory (*((i.e.* "As verification is received that a particular image has been successfully transferred to the remote server, that image is automatically deleted from the camera" (col. 18, lines 5-15)), but Vale et al. does not explicitly disclose wherein classify one or more the records. However, Heckerman et al. discloses wherein classify and reclassifying one or more the records or data (*i.e.*, "enables recipient to reclassify a message that was previously **classified** by the filter" (*abstract*)). Heckerman et al. further teach by classify/reclassifying, it is possible to perform a cutoff to large data set for relocating of data if necessary. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Vale et al.'s system by adding the function classifies the records or datasets or pictures in order to create accurate sorting of data set (spam, email, pictures) and accommodate changes in the structure and content of data (junk mail including the picture) for easy using data later for the stated purpose has been well known in the art as evidenced by teaching of Heckerman et al. (0051, 0027). Further, the system is dealing a volumes amount of information (records or data), as such one of ordinary skill in the art, would have considered it obvious to further classifying record to simplify future searching purposes.

With respect to claim 2, Vele et al. discloses wherein the record management system is further configured to in response to a second instruction from the user and the

one or more records are stored in the memory (col. 17, lines 5-15) but Vale et al. does not explicitly disclose wherein classify one or more the records. However, Heckerman et al. discloses wherein classify and reclassifying one or more the records or data (*i.e.*, *"enables recipient to reclassify a message that was previously **classified** by the filter" (abstract)*).

Heckerman et al. further teach by classify/reclassifying, it is possible to perform a cutoff to large data set for relocating of data if necessary. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Vale et al.'s system by adding the function classifies the records or datasets in order to create accurate sorting of data set (spam, email) and accommodate changes in the structure and content of data (junk mail) for easy using data later for the stated purpose has been well known in the art as evidenced by teaching of Heckerman et al. (0051, 0027). Further, the system is dealing a volumes amount of information (records or data), as such one of ordinary skill in the art, would have considered it obvious to further classifying record to simplify future searching purposes.

With respect to claims 3, 6, Vale et al. discloses all limitation recited in claim 2 and further, Heckerman et al. discloses wherein classify one or more of the records by determining whether one or more of the records have previously been classify (*i.e.*, *"to reclassify a message that was classified by the filter" (0015) and "Essentially, if the user agrees with the classification made by the Filter 204, the message remains in the folder wherein it was placed....if the user disagrees with the classification process, the message is forwarded to the neural Network Junk Trainer for further processing" (0051) and Examiner asserts the limitations "determining" is equivalent with "if the user disagree" or "user agrees").* The motivation is same the motivation on claim 2

and further the combination system will prevent future misclassification and yield more personalized and accurate sorting (*Heckerman, 0051*).

With respect to claim 4, Vale et al. discloses all limitations of claimed invention recited in claim 2 except for wherein classify one or more of the records by reclassifying one or more of the record. However, Heckerman et al. discloses wherein classify one or more of the records by reclassifying one or more of the record (*i.e., "The Reclassify a message that was previously classified by the filter" (abstract)*). The motivation is the same with the motivation on claim 2.

With respect to claim 7, Vale et al. discloses wherein the record management system is further configured to instruct the processor to display a property of the record (*claim 16*)).

Claims 8-11 and 13-21, claims 8-11 and 13-21 are rejected as same rejection of claim 1-4 and 6-7 above since claims 8-21 are similar with claims 1-4 and 6-7 but different form.

c. Claims 3-4, 6, 10-11, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornuejols (US Pub. 2004/0117315 A1).in view of Heckerman et al. (U.S. Pub. No. US200400832270 A).

With respect to claims 3, and 17, Cornuejols discloses all limitation recites on claims 1-2 but except for wherein determining whether one or more of the records has have previously been classified. . However, Heckerman et al. discloses wherein classify and reclassifying one or more the records or data (*i.e., "enables recipient to reclassify a message that was previously classified by the filter" (abstract)*), wherein classify one or more of

the records by determining whether one or more of the records have previously been classify (*i.e.*, "to reclassify a message that was classified by the filter" (0015) and "Essentially, if the user agrees with the classification made by the Filter 204, the message remains in the folder wherein it was placed....if the user disagrees with the classification process, the message is forwarded to the neural Network Junk Trainer for further processing" (0051) and Examiner asserts the limitations" determining" is equivalent with "if the user disagree" or "user agrees"). Heckerman et al. further teach by classify/reclassifying, it is possible to perform a cutoff to large data set for relocating of data if necessary. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Cornuejols's system by adding the function classifies the records or datasets in order to create accurate sorting of data set (spam, email) and accommodate changes in the structure and content of data (junk mail) for easy using data later for the stated purpose has been well known in the art as evidenced by teaching of Heckerman et al. (0051, 0027). Further, the system is dealing a volumes amount of information (records or data), as such one of ordinary skill in the art, would have considered it obvious to further classifying record to simplify future searching purposes.

With respect to claims 4 and 18, Cornuejols discloses all limitations of claimed invention recited in claims 2 or 15 except for wherein classify one or more of the records by reclassifying one or more of the record. However, Heckerman et al. discloses wherein classify one or more of the records by reclassifying one or more of the record (*i.e.*, "**The Reclassify a message** that was previously classified by the filter" (abstract)). The motivation is the same with the motivation on claim 2.

With respect to claim 10, Cornuejols discloses all limitation recited in claims 8-9 and further, Heckerman et al. discloses wherein classify one or more of the records by determining whether one or more of the records have previously been classify (*i.e.*, “to reclassify a message that was classified by the filter” (0015) and “Essentially, if the user agrees with the classification made by the Filter 204, the message remains in the folder wherein it was placed....if the user disagrees with the classification process, the message is forwarded to the neural Network Junk Trainer for further processing” (0051) and Examiner asserts the limitations” determining” is equivalent with “if the user disagree” or “user agrees”). The motivation is same the motivation on claim 9 and further the combination system will prevent future misclassification and yield more personalized and accurate sorting (*Heckerman, 0051*).

With respect to claim 11, Cornuejols discloses all limitations of claimed invention recited in claim 9 except for wherein classify one or more of the records by reclassifying one or more of the record. However, Heckerman et al. discloses wherein classify one or more of the records by reclassifying one or more of the record (*i.e.*, “**The Reclassify a message that was previously classified by the filter**” (abstract)). The motivation is the same.

Response to Arguments

- a. Applicant alleges that Cornuejols teaches or suggests the records created by the system, are maintained on the user's terminal and are neither filed nor stored with a database and some information may be transmitted to a database, it is not the identical recorded (the page trace) that is created on client's terminal. (page 7) Examiner respectfully disagrees.

Cornuejous teaches more than the claim's requirement. For particular, Cornuejous teaches the system that has many features such as one feature that Applicant used as argument at page 7, second paragraph that records created by the system, are maintained on the user's terminal and are filed nor stored with a database (for example, user visits the ecommerce site and finished the transaction (0247-0248). Transaction is the record as claimed invention since transaction is monitored and recorded at client terminal or user's terminal (0251, 0253, 0124) and further, the transaction is also updated at the database of ecommerce site as evident that the transaction is finished when the system detects when no transaction has been detected (0124, 0243). Therefore, the transactions are recorded by system are maintained on the user's terminal and stored with database at ecommerce when the transaction is completed by user at ecommerce's web. Therefore, the records filed that are filed to the database are identical with the records file at the user's terminal and those records files are transactions and are deleted (0124, 0243).

- b. Applicant alleges that Cornuejois teaches or suggests that the site trace records created by the program of Cornuejols are not deleted in response to an instruction to file the record from the user and upon storage of the identical record to the database, but only on certain conditions. Examiner respectfully disagrees.

Cornueyois discloses deleted when the memory space is full or after determining that a predetermined storage duration has lapsed **and other feature** let user to select preferences or setup to their own preferences (paragraph 0178, 0202, 0235) (i.e., "the

*option "Preferences /setup" allows to setup the assistance software and particularly the following feature" (0202)). One features that is met requirement of those limitations "deleting one or more records without regard as to whether there is available memory of storing at least one additional record or the amount of time the one or more records has been store" (i.e., "after the step of **detecting a start of a visit, a step of setup the trace begin before the detection of a transaction, and **when no transaction is detected, the trace is automatically deleted"** (0014) or 0318). This feature shows that system deletes the trace or information about transaction **when the system detects no transaction** without regard as to whether there is available memory of storing or the amount of time the one or more records has been stored. Further, the system let user set up their reference so the system can perform delete **either immediately when detecting** exit from said site or no transaction (0015, or 0307). Examiner indicates that the system can perform **delete immediately when detecting no transaction** and Examiner emphasizes that meeting those limitation above.***

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hung T Vy/

Primary Examiner, Art Unit 2163

November 26, 2010

